

STULL, STULL & BRODY

COUNSELORS AT LAW

6 EAST 45TH STREET
NEW YORK, NY 10017
(212) 687-7230
TELECOPIER: (212) 490-2022

9430 WEST OLYMPIC BOULEVARD
SUITE 400
BEVERLY HILLS, CA 90212
(310) 209-2468
TELECOPIER: (310) 209-2087

January 8, 2016

VIA CM/ECF

Honorable Charles R. Breyer
United States District Judge
Northern District of California
Courtroom 6, 7th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *In re: Volkswagen "Clean Diesel" Market, Sales Practices, and Prod. Liab.
Litig.*, Case No. 3:15-md-02672 CRB (JSC)

Application of Howard T. Longman for Appointment on Steering Committee

Dear Judge Breyer:

It was a pleasure meeting you in the lobby of the Windsor Court Hotel prior to the hearing in this matter before the United States Judicial Panel on Multidistrict Litigation (the "JPML"). Pursuant to Pretrial Order No. 2 (Dkt. No. 336), I respectfully submit this Application for appointment as a member of the Steering Committee of the above-entitled case. I represent plaintiff Daniel Goldman in the action originally captioned *Daniel Goldman, et al. v. Volkswagen Group of America, Inc.*, Case No. 2:15-cv-07155-JLL-JAD (D.N.J. September 29, 2015) (the "Goldman Action"), transferred to this Court pursuant to the JPML's December 8, 2015 Transfer Order. Dkt. No. 1. While the Goldman Action was filed on behalf of all current and former owners and/or lessees of the subject Volkswagen and Audi vehicles, I and my firm are more than willing to represent any class or subclass established by this Court, as it sees fit.

I am and have been an attorney with the law firm of Stull, Stull & Brody for nearly 28 years. A brief firm resume is submitted herewith. Prior to Stull, Stull & Brody, I was a law clerk for the Hon. Gloria Cohen Aronin (Ret.), Judge of the New York Supreme Court, Kings County. I am a member of the New York State Bar, and have also been admitted to practice before the United States District Court for the Southern and Eastern Districts of New York, and the Court of Appeals for the Second and Third Circuits. Pursuant to this Court's Pretrial Order No. 1, my *pro hac vice* application is currently pending. Dkt. No. 631.

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On behalf of plaintiffs I have developed and acted as lead or co-lead counsel, or as a member of a steering committee, for numerous complex securities and consumer class action and derivative cases. Some of the cases for which I have acted as co-lead counsel include:

- *In Re Peregrine Secs. Litig.*, Civil Action No. 02-CV-870 J (RBB) (S.D. Cal.), brought under the Securities Act of 1933 (the “Securities Act”) and the Securities Exchange Act of 1934 (the “Exchange Act”), and resulting in a recovery of \$117,567,922 for plaintiffs and the Class, including over \$62 million in cash from outside directors, one of the largest recoveries ever against individual defendants without benefit of insurance. The settlements were mediated before the Hon. Edward A. Infante (Ret.), Magistrate Judge of the Northern District of California (contact: Tel: 415-982-5267 (JAMS SF); einfante@jamsadr.com), and litigated before the Hon. Roger T. Benitez, District Judge (contact: Tel: 619-446-3589 (Chambers));
- *In Re Rambus Secs. Class Action Litig.*, Master File No.: C-06-4346 JF (N.D. Cal.), brought under the Exchange Act, and resulting in a settlement of \$18 million for plaintiffs and the Class. The case was litigated before the Hon. Jeremy Fogel, District Judge, currently serving as Director of Federal Judicial Center (Tel: 202-502-496 (Administrative Assistant));
- *In Re Biopure Secs. Litig.*, Civil Action No. 03-12628-NG (D. Mass 2007), brought under the Exchange Act, and resulting in a \$10 million settlement for plaintiffs and the Class. The case was mediated before Prof. Eric D. Green (Ret.) (Tel: 617-556-0800), and litigated before Hon. Nancy Gertner (Ret.), District Judge (Tel: 617-496-5487 (Assistant));
- *Neidich et al. v. Geodyne Resources, Inc., et al.*, No. 94-052860 (Harris Cnty., Tex. 1994) and *In Re Painewebber Ltd. Partnerships Litig.*, Case No. 94 Civ. 8547 (S.D.N.Y. 1994), resulting in a recovery of \$125 million cash settlement plus contingent benefits of additional \$75 million. The case was litigated, in part, before the Hon. Sidney H. Stein, District Judge (Tel: 212-805-0192 (Chambers));
- *In Re Dreyfus Aggressive Growth Mutual Fund Litig.*, Master File No. 98 Civ. 4318 (HB) (S.D.N.Y.), brought under the Securities Act, and resulting in an \$18.5 million settlement, which was a recovery to class members of over 80% of their losses. The case was litigated before Hon. Harold Baer, Jr. (Dec.), District Judge;
- *Szymczak v. Nissan North America Inc.*, 10-cv-07493-VB (S.D.N.Y.), resulting in a cash recovery and direct monetary benefits valued at over \$14 million obtained on behalf of a multi-state nationwide class of owners of certain Nissan vehicles with damage to transmissions as the result of radiator fluid leakage. The case was litigated before the Hon.

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Vincent L. Briccetti, District Judge (Tel: 914-390-4166 (Chambers)) and mediated, in part, before Lewis Goldfarb, Esq. (Tel: 973-425-8689; lgoldfarb@mdmc-law.com);

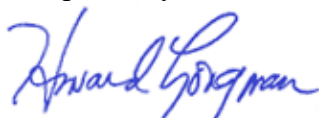
- *Sheris v. Nissan North America, Inc.*, Civ. No. 07-cv-2516 (WHW) (D.N.J.), obtaining recovery of nearly 100% of class members' out-of-pocket costs, including costs for labor and parts to replace defective braking system pads and rotors. The case was litigated before the Hon. William H. Walls, District Judge (Tel: 973-645-2564 (Chambers));
- *Lubitz, et al. v. DaimlerChrysler Corp.*, Civ. No. Ber-L-4883-04 (New Jersey Superior Court, Bergen Cnty.), a consumer action in which a New Jersey state court certified a nationwide settlement class and approved a settlement valued at \$14.5 million to owners of Jeep Grand Cherokees, model years 1999 through 2004, related to defective brakes which wore prematurely. The case was litigated before the Hon. Sybil Moses (Dec.), Superior Court Judge, and mediated before Hon. Nicholas H. Politan (Dec.), District Judge.

I have also had many cases go before the JPML, including *In Re: The Home Depot, Inc., Customer Security Breach Litigation*, Case No. 1:14-md-02583-TWT Data (N.D. Ga.). In *Home Depot* I was appointed to the Consumer Plaintiffs' Steering Committee. That case is ongoing before the Honorable Thomas W. Thrash, Jr., Chief District Judge of Northern District of Georgia (Tel: 404-215-1550 (Chambers)).

I and my firm are more than willing and able to immediately work cooperatively with other plaintiffs' counsel and defense counsel, as I believe our firm resume demonstrates. We understand the instant matter will be time-consuming and expensive. My firm has the resources necessary to prosecute this matter in a timely manner. Moreover, as demonstrated by the results achieved, as set forth above and in the attached firm resume, we are willing to commit those resources through the resolution of this litigation. Notably, this commitment of resources has been demonstrated directly to this Court when my firm co-prosecuted an over month long securities trial before it. *See Howard v. Hui (Everex II)*, No. 92-CV-3742 CRB (N.D. Cal. 2002) (second trial following remand by *Howard v. Hui*, 228 F.3d 1057 (9th Cir. 2000) (overturning directed verdict after initial trial)).

For all of these reasons, I, with the assistance of my firm, am well-suited to a position on the Steering Committee. Thank you for your time.

Respectfully Submitted,



Howard T. Longman